

ENTERED

April 25, 2025

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ABNER L. WASHINGTON,

§

Plaintiff,

§

VS.

§

CIVIL ACTION NO. 4:24-cv-3846

§

NICHOLAS LONG, CODY THOMAS, and
CAMERON COOK,

§

Defendants.

§

ORDER

Pending before this Court is a Motion for Entry of Level 3 Discovery Control Plan, filed by Abner L. Washington (“Plaintiff”), proceeding *pro se*. (Doc. No. 18). In it, Plaintiff contends that he attempted to comply with this Court’s Order for Initial Pretrial and Scheduling Conference, (Doc. No. 3), by calling counsel for Nicholas Long, Cody Thomas, and Cameron Cook (collectively, “Defendants”), but they did not respond, (Doc. No. 18 at 1). Consequently, Plaintiff “request[s] this Court [to] supervise the compliance with its Order to ensure that the Defendant[s’] counsel do not act in bad-faith and continue to impede the Plaintiff’s ability to comply with the Court’s Orders.” (*Id.* at 1–2). In Defendants’ Proposed Discovery/Case Management Plan, however, Defendants claim that “Plaintiff has not contacted the undersigned counsel regarding this lawsuit or the Court’s order to confer.” (Doc. No. 17 at 1).

To start, levels of discovery control plan are creatures of the Texas Rules of Civil Procedure, inapplicable in federal courts. *See* TEX. R. CIV. P. 190. Second, the failure to confer between the parties appears to be a result of miscommunication, not of bad-faith or intentional obstruction.

Consequently, the Court **DENIES** Plaintiff's Motion for Entry of Level 3 Discovery Control Plan. *See HANEN R. CIV. P. 8(A)* ("The Court believes that most discovery disputes can be resolved by counsel without the Court's intervention . . ."). The parties are advised to ensure they have each other's accurate and up-to-date contact information and to abide by any and all conferral requirements set forth in the Court's Orders, Local Rules, and Rules of Civil Procedure. Should any discovery or other pretrial matters require Court's intervention, the parties must follow the procedure set out in this Court's Rules of Civil Procedure 8.

It is so ordered.

Signed on this 25th day of April, 2025.



Andrew S. Hanen
United States District Judge